

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**JAMES E. GEIST**  
423 Spruce Street  
Eureka, CA 95503

**Registered Nurse License No. 593139**

Respondent

Case No. 2012-358

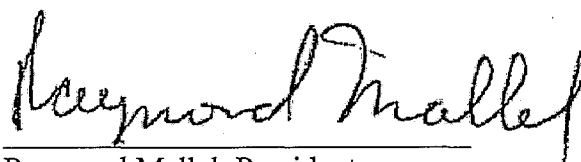
OAH No. 2012050555

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **December 7, 2012.**

IT IS SO ORDERED **November 7, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
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*Attorneys for Complainant*

6  
7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-358

12 **JAMES E. GEIST**  
13 **423 Spruce Street**  
14 **Eureka, CA 95503**

OAH No. 2012050555

15 **Registered Nurse License No. 593139**

16 **STIPULATED SETTLEMENT AND**  
17 **DISCIPLINARY ORDER**

18 Respondent.

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
23 Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
25 Frank H. Pacoe, Supervising Deputy Attorney General.

26 2. James E. Geist (Respondent) is representing himself in this proceeding and has  
27 chosen not to exercise his right to be represented by counsel.

28 3. On or about January 9, 2002, the Board of Registered Nursing issued Registered  
Nurse License No. 593139 to James E. Geist (Respondent). The Registered Nurse License was in  
full force and effect at all times relevant to the charges brought in Accusation No. 2012-358 and  
will expire on August 31, 2013, unless renewed.

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1 Registered Nursing may communicate directly with the Board regarding this stipulation and  
2 settlement, without notice to or participation by Respondent. By signing the stipulation,  
3 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
4 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
5 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
6 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
7 the parties, and the Board shall not be disqualified from further action by having considered this  
8 matter.

9 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
10 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
11 effect as the originals.

12 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
15 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
16 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
17 writing executed by an authorized representative of each of the parties.

18 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
19 the Board may, without further notice or formal proceeding, issue and enter the following  
20 Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Registered Nurse License No. 593139 issued to  
23 Respondent James E. Geist is revoked. However, the revocation is stayed and Respondent is  
24 placed on probation for three (3) years on the following terms and conditions.

25 **Severability Clause.** Each condition of probation contained herein is a separate and  
26 distinct condition. If any condition of this Order, or any application thereof, is declared  
27 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
28 applications thereof, shall not be affected. Each condition of this Order shall separately be valid

1 and enforceable to the fullest extent permitted by law.

2 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and  
3 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
4 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with  
5 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within  
6 45 days of the effective date of the decision, unless previously submitted as part of the licensure  
7 application process.

8 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
9 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
10 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

11 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with  
12 the conditions of the Probation Program established by the Board and cooperate with  
13 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
14 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
15 more than 15 days of any address change and shall at all times maintain an active, current license  
16 status with the Board, including during any period of suspension.

17 Upon successful completion of probation, Respondent's license shall be fully restored.

18 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
19 person at interviews/meetings as directed by the Board or its designated representatives.

20 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
21 practice as a registered nurse outside of California shall not apply toward a reduction of this  
22 probation time period. Respondent's probation is tolled, if and when he resides outside of  
23 California. Respondent must provide written notice to the Board within 15 days of any change of  
24 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
25 returning to practice in this state.

26 Respondent shall provide a list of all states and territories where he has ever been licensed  
27 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
28 information regarding the status of each license and any changes in such license status during the

1 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing  
2 license during the term of probation.

3       **5. Submit Written Reports.** Respondent, during the period of probation, shall submit  
4 or cause to be submitted such written reports/declarations and verification of actions under  
5 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
6 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
7 Respondent shall immediately execute all release of information forms as may be required by the  
8 Board or its representatives.

9       Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
10 state and territory in which he has a registered nurse license.

11       **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall  
12 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
13 6 consecutive months or as determined by the Board.

14       For purposes of compliance with the section, "engage in the practice of registered nursing"  
15 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
16 non-direct patient care position that requires licensure as a registered nurse.

17       The Board may require that advanced practice nurses engage in advanced practice nursing  
18 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

19       If Respondent has not complied with this condition during the probationary term, and  
20 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
21 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
22 extension of Respondent's probation period up to one year without further hearing in order to  
23 comply with this condition. During the one year extension, all original conditions of probation  
24 shall apply.

25       **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
26 prior approval from the Board before commencing or continuing any employment, paid or  
27 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
28 performance evaluations and other employment related reports as a registered nurse upon request

1 of the Board.

2 Respondent shall provide a copy of this Decision to his employer and immediate  
3 supervisors prior to commencement of any nursing or other health care related employment.

4 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
5 (72) hours after he obtains any nursing or other health care related employment. Respondent  
6 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
7 regardless of cause, from any nursing, or other health care related employment with a full  
8 explanation of the circumstances surrounding the termination or separation.

9 8. **Supervision.** Respondent shall obtain prior approval from the Board regarding  
10 Respondent's level of supervision and/or collaboration before commencing or continuing any  
11 employment as a registered nurse, or education and training that includes patient care.

12 Respondent shall practice only under the direct supervision of a registered nurse in good  
13 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
14 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
15 approved.

16 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
17 following:

18 (a) Maximum - The individual providing supervision and/or collaboration is present in  
19 the patient care area or in any other work setting at all times.

20 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
21 care unit or in any other work setting at least half the hours Respondent works.

22 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
23 person communication with Respondent at least twice during each shift worked.

24 (d) Home Health Care - If Respondent is approved to work in the home health care  
25 setting, the individual providing supervision and/or collaboration shall have person-to-person  
26 communication with Respondent as required by the Board each work day. Respondent shall  
27 maintain telephone or other telecommunication contact with the individual providing supervision  
28 and/or collaboration as required by the Board during each work day. The individual providing

1 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
2 patients' homes visited by Respondent with or without Respondent present.

3       9.   **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
4 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
5 or for an in-house nursing pool.

6       Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
7 registered nursing supervision and other protections for home visits have been approved by the  
8 Board. Respondent shall not work in any other registered nursing occupation where home visits  
9 are required.

10       Respondent shall not work in any health care setting as a supervisor of registered nurses.  
11 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
12 and/or unlicensed assistive personnel on a case-by-case basis.

13       Respondent shall not work as a faculty member in an approved school of nursing or as an  
14 instructor in a Board approved continuing education program.

15       Respondent shall work only on a regularly assigned, identified and predetermined  
16 worksite(s) and shall not work in a float capacity.

17       If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
18 request documentation to determine whether there should be restrictions on the hours of work.

19       10.   **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and  
20 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
21 months prior to the end of his probationary term.

22       Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
23 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
24 above required course(s). The Board shall return the original documents to Respondent after  
25 photocopying them for its records.

26       11.   **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
27 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
28 amount of \$ 2,996.00. Respondent shall be permitted to pay these costs in a payment plan



1 approved by the Board, with payments to be completed no later than three months prior to the end  
2 of the probation term.

3 If Respondent has not complied with this condition during the probationary term, and  
4 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
5 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
6 extension of Respondent's probation period up to one year without further hearing in order to  
7 comply with this condition. During the one year extension, all original conditions of probation  
8 will apply.

9 **12. Violation of Probation.** If Respondent violates the conditions of his probation, the  
10 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
11 and impose the stayed discipline (revocation/suspension) of Respondent's license.

12 If during the period of probation, an accusation or petition to revoke probation has been  
13 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
14 an accusation or petition to revoke probation against Respondent's license, the probationary  
15 period shall automatically be extended and shall not expire until the accusation or petition has  
16 been acted upon by the Board.

17 **13. License Surrender.** During Respondent's term of probation, if he ceases practicing  
18 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
19 Respondent may surrender his license to the Board. The Board reserves the right to evaluate  
20 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
21 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
22 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
23 subject to the conditions of probation.

24 Surrender of Respondent's license shall be considered a disciplinary action and shall  
25 become a part of Respondent's license history with the Board. A registered nurse whose license  
26 has been surrendered may petition the Board for reinstatement no sooner than the following  
27 minimum periods from the effective date of the disciplinary decision:

- 28 (1) Two years for reinstatement of a license that was surrendered for any reason other

1 than a mental or physical illness; or

2 (2) One year for a license surrendered for a mental or physical illness.

3 14. **Physical Examination.** Within 45 days of the effective date of this Decision,  
4 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician  
5 assistant, who is approved by the Board before the assessment is performed, submit an  
6 assessment of the Respondent's physical condition and capability to perform the duties of a  
7 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
8 medically determined, a recommended treatment program will be instituted and followed by the  
9 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
10 to the Board on forms provided by the Board.

11 If Respondent is determined to be unable to practice safely as a registered nurse, the  
12 licensed physician, nurse practitioner, or physician assistant making this determination shall  
13 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
14 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
15 immediately cease practice and shall not resume practice until notified by the Board. During this  
16 period of suspension, Respondent shall not engage in any practice for which a license issued by  
17 the Board is required until the Board has notified Respondent that a medical determination  
18 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
19 of this probationary time period.

20 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
21 requirement, Respondent shall immediately cease practice and shall not resume practice until  
22 notified by the Board. This period of suspension will not apply to the reduction of this  
23 probationary time period. The Board may waive or postpone this suspension only if significant,  
24 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
25 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
26 Only one such waiver or extension may be permitted.

27 15. **Participate in Treatment/Rehabilitation Program for Chemical Dependence.**  
28 Respondent, at his expense, shall successfully complete during the probationary period or shall

1 have successfully completed prior to commencement of probation a Board-approved  
2 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
3 submitted by the program on forms provided by the Board. If Respondent has not completed a  
4 Board-approved treatment/rehabilitation program prior to commencement of probation,  
5 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
6 If a program is not successfully completed within the first nine months of probation, the Board  
7 shall consider Respondent in violation of probation.

8 Based on Board recommendation, each week Respondent shall be required to attend at least  
9 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
10 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
11 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
12 added. Respondent shall submit dated and signed documentation confirming such attendance to  
13 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
14 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
15 and/or other ongoing recovery groups.

16 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
17 completely abstain from the possession, injection or consumption by any route of all controlled  
18 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
19 are ordered by a health care professional legally authorized to do so as part of documented  
20 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
21 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
22 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
23 longer be required, and the effect on the recovery plan, if appropriate.

24 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
25 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
26 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
27 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
28 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances

1 considered addictive have been prescribed, the report shall identify a program for the time limited  
2 use of any such substances.

3 The Board may require the single coordinating physician, nurse practitioner, or physician  
4 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
5 medicine.

6 17. **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a  
7 random, biological fluid testing or a drug screening program which the Board approves. The  
8 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
9 for keeping the Board informed of Respondent's current telephone number at all times.  
10 Respondent shall also ensure that messages may be left at the telephone number when he is not  
11 available and ensure that reports are submitted directly by the testing agency to the Board, as  
12 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
13 program and Respondent shall be considered in violation of probation.

14 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
15 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
16 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
17 hypnotics, dangerous drugs, or other controlled substances.

18 If Respondent has a positive drug screen for any substance not legally authorized and not  
19 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
20 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
21 practice pending the final decision on the petition to revoke probation or the accusation. This  
22 period of suspension will not apply to the reduction of this probationary time period.

23 If Respondent fails to participate in a random, biological fluid testing or drug screening  
24 program within the specified time frame, Respondent shall immediately cease practice and shall  
25 not resume practice until notified by the Board. After taking into account documented evidence  
26 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
27 suspend Respondent from practice pending the final decision on the petition to revoke probation  
28 or the accusation. This period of suspension will not apply to the reduction of this probationary

1 time period.

2       **18. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
3 of this Decision, have a mental health examination including psychological testing as appropriate  
4 to determine his capability to perform the duties of a registered nurse. The examination will be  
5 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
6 the Board. The examining mental health practitioner will submit a written report of that  
7 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
8 Recommendations for treatment, therapy or counseling made as a result of the mental health  
9 examination will be instituted and followed by Respondent.

10       If Respondent is determined to be unable to practice safely as a registered nurse, the  
11 licensed mental health care practitioner making this determination shall immediately notify the  
12 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
13 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
14 practice and may not resume practice until notified by the Board. During this period of  
15 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
16 is required, until the Board has notified Respondent that a mental health determination permits  
17 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
18 probationary time-period.

19       If Respondent fails to have the above assessment submitted to the Board within the 45-day  
20 requirement, Respondent shall immediately cease practice and shall not resume practice until  
21 notified by the Board. This period of suspension will not apply to the reduction of this  
22 probationary time period. The Board may waive or postpone this suspension only if significant,  
23 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
24 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
25 Only one such waiver or extension may be permitted.

26       **19. Therapy or Counseling Program.** Respondent, at his expense, shall participate in  
27 an on-going counseling program until such time as the Board releases him from this requirement  
28 and only upon the recommendation of the counselor. Written progress reports from the counselor

1 will be required at various intervals.

2  
3 ACCEPTANCE

4 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
5 stipulation and the effect it will have on my Registered Nurse License. I enter into this  
6 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
7 to be bound by the Decision and Order of the Board of Registered Nursing.

8  
9 DATED: 6-27-2012



10 JAMES E. GEIST  
Respondent

11  
12 ENDORSEMENT

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
14 submitted for consideration by the Board of Registered Nursing of the Department of Consumer  
15 Affairs.

16  
17 Dated:

18 7/28/12

19 Respectfully submitted,

20 KAMALA D. HARRIS  
Attorney General of California

21   
FRANK H. PACOE  
Supervising Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 2012-358**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 State Bar No. 91740  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
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5 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

6  
7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-358

12 **JAMES E. GEIST**  
1458 East Avenue  
Eureka, CA 95501

**A C C U S A T I O N**

13 **Registered Nurse License No. 593139**

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs.

21 2. On or about January 9, 2002, the Board of Registered Nursing issued Registered  
22 Nurse License Number 593139 to James E. Geist (Respondent). The Registered Nurse License  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 August 31, 2013, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.



STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Business and Professions Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Business and Professions Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

. . .

7. Section 490 of the Business and Professions Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 125.3 of the Business and Professions Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

/ / /

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

9. Respondent James E. Geist is subject to disciplinary action under Business and Professions Code sections 490 and 2761(f) in that he was convicted of a crime substantially related to the qualifications, functions, or and duties of a registered nurse. The circumstances are as follows:

a. On or about January 26, 2011 in a criminal proceeding entitled People of the State of California v. James Edmund Geist in Humboldt County Superior Court, Case No. CR1006841, the respondent was convicted by his plea of guilty for violating Penal Code section 415 subdivision (2), (Disturbing the Peace), a misdemeanor.

b. The circumstances surrounding this conviction are that on or about December 1, 2010, the respondent's wife was interviewed by police officers at the headquarters of the Eureka Police Department. Respondent's wife reported to police that she and respondent began to argue about a risqué advertisement that had popped up on their computer screen. At one point during the argument, respondent grabbed his wife by her neck with both hands and pushed her up against the washing machine and he punched her approximately three or four times in her lower chest, left hip and back areas. Respondent's wife told the police that she did not resist the assaults and instead tried to protect herself by holding up her arms in front of her chest.

The police officer observed that respondent's wife had an approximate two inch scrape on her right jaw bone area and red markings on her right neck side area and underneath the hair line on the back of her neck. Respondent's wife showed the police officer bruises which appeared to be fresh on her left inner bicep area and a small red mark approximately the size of a dime on the middle knuckle of her left hand.

On or about December 1, 2010, the respondent was arrested by the Eureka Police Department for domestic violence against his spouse, and on or about December 3, 2010, the respondent was charged with two counts of violating Penal Code section 243(E)(1) (Battery Against Spouse/Cohabiting Partner).

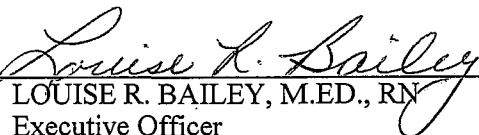
1 c. On or about January 26, 2011, the respondent was placed on probation for 3  
2 years, ordered to perform 50 hours of community service work, ordered to serve 3 days in the  
3 County Jail, ordered to enroll and complete a 52 week Domestic Violence Counseling Program,  
4 ordered to complete 12 sessions of Alcoholics Anonymous/Narcotics Anonymous, and was  
5 ordered to pay fines and fees in the total amount of \$870.33.

6  
7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 593139, issued to James  
11 E. Geist.
- 12 2. Ordering James E. Geist to pay the Board of Registered Nursing the reasonable costs  
13 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
14 section 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.
- 16

17 DATED: December 12, 2011

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19 LOUISE R. BAILEY, M.ED., RN  
20 Executive Officer  
21 Board of Registered Nursing  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

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